



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 10778.00008

In the Application of:)
)
 John W. von Holdt, Sr.) Examiner:
 John W. von Holdt, Jr.) tba, formerly S. Castellano
)
 Serial No. 10/002,346)
) Art Unit:
 Filed: October 25, 2001) Tba, formerly 3727
)
 For: PLASTIC BUCKET AND LID

Box Missing Parts
Assistant Commissioner for Patents
Washington DC 20231

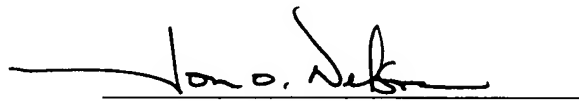
RESPONSE TO NOTICE TO
FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Sir:

This is in response to the Notice to File Missing Parts attached as Exhibit A. The application is and was pending in the name of coinventors John W. von Holdt and John W. von Holdt, Jr. It is noted that the coinventor John W. von Holdt, Jr. was added during the prosecution parent applications. A copy of the documentation indicating the coinventorship is attached hereto. John W. von Holdt, Jr. also executed the parent application as the executor of the estate of John W. von Holdt. Applicant petitions for acceptance that this submission complies with the requirements to file "Missing Parts".

Respectfully submitted,

January 30, 2002


Jon O. Nelson
Counsel for Applicant
Reg. No. 24,566



EM376814025US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 94,363-I)

In the Application of:

John W. Von Holdt

Serial No.: 08/823,193

Filed: March 24, 1997

For: PLASTIC BUCKET AND LID

Examiner: S.Castellano

Group Art Unit: 3727

LETTER

Assistant Commissioner For Patents
Washington, D.C. 20231

Attention: Kay Pinkney

Sir:

Enclosed herewith is a copy of the legal documentation indicating that John von Holdt Jr. is the executor of his father's estate. Submission of this paper should complete the documentation required with respect to this application. Acceptance thereof and placement thereof in the file is respectfully requested.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: January 26, 1999

By: 

Jon O. Nelson

Reg. No. 24,566

BANNER & WITCOFF, LTD.
10 South Wacker Drive
Chicago, Illinois 60606
(312) 715-1000

ORIGINAL

LETTERS OF OFFICE- DECEDENT'S ESTATE

(Rev. 4-88) CCP-415

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
County Department, Probate Division

Estate of

JOHN W. VONHOLDT

No. 98 P 7660

Docket 056

Deceased Page 161

LETTERS OF OFFICE-DECEDENT'S ESTATE

JOHN W. VON HOLDT, JR.

has been appointed

INDEPENDENT EXECUTOR

of the estate of

JOHN W. VON HOLDT

, deceased,

who died JULY 15, 19 98, and is authorized to take possession of and collect the estate of
the decedent and to do all acts required by law.

Witness, SEPTEMBER 17, 19 98

AURELIA PUCINSKI

Clerk of court



CERTIFICATE

I certify that this is a copy of the letters of office now in force in this estate.

Witness, SEPTEMBER 17, 19 98

Aurelia Pucinski

Clerk of court

AURELIA PUCINSKI, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

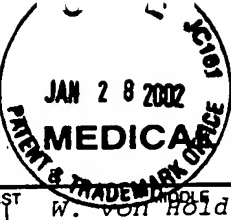
DECEDENT'S BIRTH NO.

REGISTRATION
DISTRICT NO.REGISTERED
NUMBER

STATE OF ILLINOIS

STATE FILE
NUMBER

JAN 28 2002



MEDICAL CERTIFICATE OF DEATH

Type or Print in
PERMANENT INK
See Funeral Directors,
Hospital, or Physicians
Handbook for
INSTRUCTIONS

DECEASED

B
C
D
E

PARENTS

CAUSE

CERTIFIER

DISPOSITION

DECEASED-NAME FIRST <u>John</u> MIDDLE <u>W. von Holdt</u> LAST <u>Vonholdt</u>		SEX <u>Male</u>	DATE OF DEATH (MONTH, DAY, YEAR) <u>July 15, 1998</u>
COUNTY OF DEATH <u>Cook</u>	AGE-LAST BIRTHDAY (YRS) 5a. <u>78</u>	UNDER 1 YEAR 5b. <u> </u> MOS. <u> </u> DAYS <u> </u> HOURS <u> </u> MIN.	DATE OF BIRTH (MONTH, DAY, YEAR) 5d. <u>August 4, 1919</u>
CITY, TOWN, TWP. OR ROAD DISTRICT NUMBER 6a. <u>Glenview</u>	HOSPITAL OR OTHER INSTITUTION-NAME (IF NOT IN EITHER, GIVE STREET AND NUMBER) 6b. <u>Glenbrook Hospital</u>		IF HOSP. OR INST. INDICATE D.O.A. OP/EMER. RM. INPATIENT (SPECIFY) 6c. <u>Inpatient</u>
BIRTHPLACE (CITY AND STATE OR FOREIGN COUNTRY) 7. <u>Chicago, IL.</u>	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) 8a. <u>Married</u>	NAME OF SURVIVING SPOUSE (MAIDEN NAME, IF WIFE) 8b. <u>Pauline Rathgeb</u>	
SOCIAL SECURITY NUMBER 10. <u>358-09-0202</u>	USUAL OCCUPATION 11a. <u>Executive</u>	KIND OF BUSINESS OR INDUSTRY 11b. <u>Tool & Dye</u>	EDUCATION (SPECIFY ONLY HIGHEST GRADE COMPLETED) Elementary/Secondary (0-12) <u>2</u> College (1-4 or 5+) <u>2</u>
RESIDENCE (STREET AND NUMBER) 13a. <u>6864 Lexington Lane</u>	CITY, TOWN, TWP. OR ROAD DISTRICT NO. 13b. <u>Niles</u>	INSIDE CITY (YES/NO) 13c. <u>Yes</u>	COUNTY 13d. <u>Cook</u>
STATE 13e. <u>Illinois</u>	ZIP CODE 13f. <u>60714</u>	RACE (WHITE, BLACK, AMERICAN INDIAN, etc.) (SPECIFY) 14a. <u>White</u>	OF HISPANIC ORIGIN? (SPECIFY NO OR YES-IF YES, SPECIFY CUBAN, MEXICAN, PUERTO RICAN, etc.) 14b. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES SPECIFY:
FATHER-NAME FIRST MIDDLE LAST 15. <u>Norbert von Holdt</u>	MOTHER-NAME FIRST MIDDLE LAST 16. <u>Barbara Hessel</u>		
INFORMANT'S NAME (TYPE OR PRINT) 17a. <u>Pauline von Holdt</u>		RELATIONSHIP 17b. <u>WIFE</u>	MAILING ADDRESS (STREET AND NO. OR R.F.D., CITY OR TOWN, STATE, ZIP) 17c. <u>176864 Lexington Lane, Niles, IL. 60714</u>
18. PART I. Enter the diseases, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line.			APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH
Immediate Cause (Final disease or condition resulting in death) <u>(a) Adult Respiratory Distress Syndrome</u>			<u>1 week</u>
DUE TO, OR AS A CONSEQUENCE OF <u>(b) Pneumonia</u>			<u>10 days</u>
DUE TO, OR AS A CONSEQUENCE OF <u>(c) Bronchiectasis</u>			<u>1 year</u>
CONDITIONS, IF ANY WHICH GIVE RISE TO IMMEDIATE CAUSE (a) STATING THE UNDERLYING CAUSE LAST.			
PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in PART I. <u>Cirrhosis secondary to infectious hepatitis</u>			
DATE OF OPERATION, IF ANY 20a. <u>7/15/98</u>	MAJOR FINDINGS OF OPERATION 20b. <u> </u>		IF FEMALE, WAS THERE A PREGNANCY IN PAST THREE MONTHS? 20c. YES <input type="checkbox"/> NO <input type="checkbox"/>
1 (DID) (DID NOT) ATTEND THE DECEASED (MONTH, DAY, YEAR) AND LAST SAW HIM/HER ALIVE ON 21a. <u>7/15/98</u>		WAS CORONER OR MEDICAL EXAMINER NOTIFIED? (YES/NO) 21b. <u>NO</u>	HOUR OF DEATH 21c. <u>9:17 P. M.</u>
TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSE(S) STATED.			DATE SIGNED (MONTH, DAY, YEAR) 22b. <u>7/17/98</u>
22a. SIGNATURE <u>Daniel W. Ray M.D.</u>			ILLINOIS LICENSE NUMBER 22d. <u>036-070526</u>
NAME AND ADDRESS OF CERTIFIER (TYPE OR PRINT) 22c. <u>Daniel W. Ray M.D. 2650 Ridge Ave. Evanston, IL. 60201</u>			NOTE: IF AN INJURY WAS INVOLVED IN THIS DEATH THE CORONER OR MEDICAL EXAMINER MUST BE NOTIFIED.
23. <u>Daniel W. Ray 2650 Ridge Ave. Evanston, IL. 60201</u>			
BURIAL, CREMATION, REMOVAL (SPECIFY) 24a. <u>Cremation</u>	CEMETERY OR CREMATORY-NAME 24b. <u>Montrose</u>	LOCATION CITY OR TOWN STATE 24c. <u>Chicago Illinois</u>	DATE (MONTH, DAY, YEAR) 24d. <u>July 20, 1998</u>
FUNERAL HOME NAME STREET AND NUMBER OR R.F.D. CITY OR TOWN STATE ZIP 25a. <u>Smith-Corcoran Funeral Home 6150 N. Cicero Ave. Chicago, IL. 60646</u>			
FUNERAL DIRECTOR'S SIGNATURE 25b. <u>[Signature]</u>			FUNERAL DIRECTOR'S ILLINOIS LICENSE NUMBER 25c. <u>034 008088</u>
LOCAL REGISTRAR'S SIGNATURE 26a. <u>[Signature]</u>			DATE FILED BY LOCAL REGISTRAR (MONTH, DAY, YEAR) 26b. <u>July 20 98</u>

VR200 (Rev. 5/89)

Illinois Department of Public Health—Division of Vital Records

(BASED ON 1989 U.S. STANDARD CERTIFICATE)

I HEREBY CERTIFY THAT the foregoing is a true and correct copy of the death record for the decedent named at Item 1, and that this record was established and filed in my office in accordance with the provisions of the Illinois Vital Records Act.

DATE July 20, 1998SIGNED [Signature]

LOCAL REGISTRAR

AT EVANSTON

Illinois OFFICIAL TITLE

The original record of this death is permanently filed with the ILLINOIS DEPARTMENT OF PUBLIC HEALTH at Springfield. County clerks and local registrars are authorized to make certifications from copies of the original record. The Illinois statutes provide that the certification of a death record by the Department of Public Health, local registrar or county clerk shall be prima facie evidence in all courts and places of the facts therein stated.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 94,363-I)

In the Application of:)
)
John W. Von Holdt) Examiner: S.Castellano
)
Serial No.: 08/823,193)
)
Filed: March 24, 1997) Group Art Unit: 3207
)
For: PLASTIC BUCKET AND LID)

**STATEMENT OF FACTS IN SUPPORT
OF PETITION TO CORRECT INVENTORSHIP**

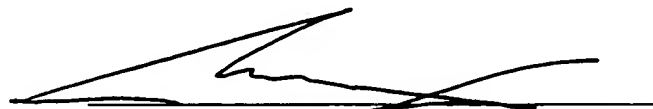
Petitioner, John W. von Holdt, Jr., is the son of John von Holdt, Sr. and the Executor of the Estate of the originally named inventor John W. von Holdt, Sr. (John W. von Holdt). At all relevant times both Petitioner and the named inventor were working together at a common employer, namely the business of Petitioner and the originally named inventor. In that place of business, the subject matter of the claims of this continuation-in-part application was disclosed to counsel and incorporated in the present application subsequent to February 10, 1997, the filing date of the parent to the present application and prior to the filing date of the present application, March 24, 1997, by Petitioner and the named inventor, John W. von Holdt. Specifically, at or about that time we jointly conferred and collaborated with respect

to the claimed subject matter of the invention in the application filed March 24, 1997. The fact of such concurrent effort was discovered and understood by counsel for the first time during post-allowance review of the application by counsel and Petitioner on or about August 13, 1998 during preparation for submittal of the final fee and formal drawings. Prior thereto, Applicant's counsel, without deceptive intent, misunderstood that collaborative efforts resulted in the claimed invention during the referenced time period. However, Petitioner and counsel for Petitioner were directly involved in reviewing the subject matter of the application on or about August 13, 1998 because of the necessity to approve payment of the final fee and the unavailability of John W. von Holdt, Sr. due to the death of John W. von Holdt, Sr. on July 15, 1998. A copy of the Certificate of Death of John von Holdt, Sr. is attached as Exhibit 1. In reviewing the estate affairs associated with Petitioner's duty as Executor to his father's estate, such affairs including the above identified patent application, it was revealed and understood that Petitioner was erroneously excluded as a co-inventor of the subject matter of this application. Thus, the failure to originally name Petitioner as a co-inventor occurred by error without deceptive intent. Moreover, this addition of Petitioner, John W. von Holdt, Jr. as an inventor is made with diligence as this Petition is being filed soon after the discovery that Petitioner is a co-inventor.

The Petitioner, John W. von Holdt, Jr. is the legally-appointed Executor of the estate of the named inventor, John W. von Holdt, Sr. and therefore has the full power, right and authority to execute the attached Declaration on behalf of named inventor John W. von Holdt.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: AUGUST 20, 1998



John W. von Holdt, Jr.,
As an Individual on his own behalf.



John W. von Holdt, Jr.
As Executor of the Estate of
John W. von Holdt, Sr.


Art Unit: 3727

Decision on Petition to Correct Inventorship under 37 C.R.F. 1.48(a)

Petition has been **granted**.

In view of the papers filed August 24, 1998, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding John W. Von Holdt, Jr. as an inventor. Also, the name of the first inventor has been changed to: John W. Von Holdt, Sr. (deceased).

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.


Stephen Castellano
Primary Examiner
Art Unit 3727

September 2, 1998